

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARIA JOSE PIZARRO,

Plaintiff,

-against-

EUROS EL TINA RESTAURANT LOUNGE and  
BILLIARDS CORP., SANTIAGO QUEZADA,  
And SANTIAGO QUEZADA, Jr.,

Defendants.

-and-

JOSE E. CASTRO, ELADIO CASTRO  
PRODUCTIONS, INC., EMITON FERNANDEZ  
a.k.a. EMILIO FERNANDEZ, NARCISO  
GOMEZ, ZOILIMAR MEJIA a.k.a ZULIMAR  
MEJIA, and TOMAS ANDRES PIZARRO  
ZEPEDA,

Third Party Defendants.  
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**AMENDED ORDER DENYING  
MOTION FOR STAY**

20 Civ. 5783 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:


The question is whether an automatic bankruptcy stay applies to an action brought by the debtor. It does not. *See* 11 U.S.C. § 362(a) (a stay is automatically imposed in actions “against the debtor”); *Vasile v. Dean Witter Reynolds Inc.*, 20 F. Supp. 2d 465, 499 (E.D.N.Y. 1998) (“[m]ultiple claim[s] must be disaggregated so that . . . counterclaims . . . are treated independently when determining which of their respective proceedings are subject to the bankruptcy stay”) (internal citations omitted). Accordingly, the motions for summary judgment dismissing Quezada’s (the debtor’s) counterclaims are not stayed.

Quezada argues that he has no money to prosecute his case, but that is a matter for the bankruptcy trustee to decide, along with whether the counterclaims are worth pursuing or

should be dropped, and whether to leave prosecution in Quezada's hands or to turn it into a bankruptcy adverse proceeding. Quezada's time to file opposition papers in response to the pending motions for summary judgment is enlarged to June 28, 2024 to give Quezada and his trustee time to consider whether or not to continue his counterclaims. As for Euros El Tina, it has not filed for bankruptcy. Its time to file opposition papers is similarly enlarged. Failure to file will result in a dismissal of its counterclaims.

SO ORDERED.

Dated: May 20, 2024  
New York, New York



ALVIN K. HELLERSTEIN  
United States District Judge